

SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT: Certificate of Public Convenience and Necessity for Sun State Trees and Property Maintenance, Inc.

DEPARTMENT: Environmental Services

DIVISION: Solid Waste Management

AUTHORIZED BY: John Cirello

CONTACT: William (Johnny) Edwards

EXT: 2022

MOTION/RECOMMENDATION:

Deny the application for renewal of a Certificate of Public Convenience and Necessity for Sun State Trees and Property Maintenance, Inc.

County-wide

William (Johnny) Edwards

BACKGROUND:

Seminole County Code, Chapter 235, Part 3, requires companies that collect solid waste or recyclable materials, or operate a facility for the management of solid waste or recyclable materials, to possess a Certificate of Public Convenience and Necessity (COPCN) issued by the Board of County Commissioners (Board).

In July 2004, the Board initially approved a COPCN for Sun State Trees and Property Maintenance, Inc. (Operator) to operate a yard trash processing facility (Facility) on the property located at 1460 County Road 427 in unincorporated Longwood, Commission District 4.

The use of the property for the management of solid waste or recyclable materials is permitted as a special exception dependent on the specific terms of Development Order #04-32000013 (D.O.) The site plan attached to the special exception defines the landscaping, setbacks and buffers of the Land Development Code, including the storage areas for processed and unprocessed vegetative debris.

The COPCN issued for the Facility listed specific restrictions on its operation including compliance with Federal, State and local requirements. The Operator received several annual renewals of its COPCN for this Facility. The Board issued the most recent COPCN renewal for this Facility on November 13, 2007 which expired on September 30, 2008.

On August 1, 2008, the Solid Waste Management Division (SWMD) sent a certified letter to the Operator requesting that an application for renewal be submitted by September 1, 2008. The Operator applied for a COPCN renewal on October 13, 2008.

On August 28, 2008, the Seminole County Code Enforcement Board found the Facility to be in violation of Seminole County Land Development Code Sec. 40.12, Site Plan Approval. Specifically, the Operator was found to be in violation of D.O. Sections (3)6, (3)16, and (3)17 for failure to maintain requisite landscaping, setbacks, buffers and open space.

On October 2, 2008, a SWMD inspection indicated that the Facility continued to be in violation

of the County-approved Site Plan and prior COPCN restrictions in retaining approximately 30,000 cubic yards (CY) of processed and unprocessed debris on site while continuing to accept incoming debris. The COPCN issued on November 13, 2007 limited the Facility to 300 CY. The debris piles eliminate nearly all open space and leave no room for landscaping, setbacks, or buffers, in violation of the Site Plan and Land Development Code requirements.

Additionally, the Facility is not in compliance with Seminole County Code Sec. 235.52(d) which requires compliance with the Seminole County Land Development Code and all other applicable rules and regulations. The special exception is not valid without the COPCN in accordance with D.O. Section (3)4.

Further, Florida Administrative Code Section 62-709.320 which governs the design and operation of Yard Trash Processing Facilities requires fire protection in the form of a 20' wide (minimum), all-weather, perimeter access road, 15' wide interior lanes, and 100' maximum pile widths. The Facility does not meet these requirements.

Based on the violations of the Seminole County Land Development Code and D.O., the current use is not permitted and is a violation of the applicable zoning district. The Applicants previously signed a compliance agreement stating that "I/We understand that failure to comply with any or all of the standards or requirements set forth in Chapter 235 of the Seminole County Code will result in termination of the Certificate of Public Convenience and Necessity." There is no requirement under Florida Law that the COPCN be renewed annually.

The SWMD recommends that the application for COPCN renewal be denied based on the following:

1) Violation of Seminole County Code Sec. 235.52(b) for failure to limit operations to those designated by the COPCN issued November 13, 2007 in that:

- a. Facility accepts debris from businesses other than Sun State Trees and Property Maintenance, Inc;
- b. Facility stores more than 300 CY of processed and unprocessed debris on site;
- c. Facility does not process and remove material from property within 30 days, on a first-in-first-out basis; and
- d. Facility is not in compliance with Chapter 62-709, Florida Administrative Code; and

2) Violation of Seminole County Sec. 235.52(d) for failure to comply with Seminole County Land Development Code as determined by the Code Enforcement Board (8/28/08).

Attachments:

- COPCN Application submitted 10/13/08 (revised 10/17/08)
- COPCN issued by Board (expired 9/30/08)
- Code Enforcement Board Minutes (8/28/08 – regarding Facility)
- SWMD inspection of Facility
- Email from FDEP concerning Notice of Violation

- Development Order #04-32000013
- Code Enforcement Board FFCLO
- Florida Administrative Code Chapter 62-709-320

STAFF RECOMMENDATION:

Staff recommends that the Board of County Commissioners Deny the application for renewal of a Certificate of Public Convenience and Necessity for Sun State Trees and Property Maintenance, Inc.

ATTACHMENTS:

1. FY08/09 COPCN Application
2. COPCN issued by Board (expired 09-30-08)
3. Code Enforcement Board Minutes 08-28-08 - regarding Facility
4. SWMD Inspection of Facility
5. SWMD Initial Inspection
6. Email from FDEP concerning Notice of Violation
7. Development Order 04-32000013
8. Code Enforcement Board FFCLO
9. FLA. Admin Code 62-709.320

Additionally Reviewed By:

☒ County Attorney Review (Kathleen Furey-Tran)

Seminole County
Certificate of Public Convenience and Necessity
COMPANY INFORMATION

Seminole County Code, Section 235.51 requires firms that collect waste, operate a landfill, disposal facility, recycling facility, or incinerator to possess a COPCN issued by the Board of County Commissioners. The COPCN is **valid from October 1, 2008 through September 30, 2009.**

Please complete all application items enclosed and return with a check to cover the \$100.00 application fee and \$20.00 for each vehicle identified on the Vehicle Identification List form included. Make checks payable to Seminole County BCC-COPCN and mail to Carol Norwood, Solid Waste Management Division, 1950 State Road 419, Longwood, Florida 32750. Firms not meeting these requirements will no longer be authorized to work in Seminole County. If you have any questions, please contact Carol Norwood at 407-665-2257.

Date: Oct 3, 2008

Company Name: SUN STATE TREES & PROPERTY MAINTENANCE INC. SITE II
(Ensure corporate name matches name filed with Florida Department of State, Division of Corporations)

Mailing Address: 295 LYMAN ROAD

City: CASSELBERRY State: FLORIDA Zip: 32707

Site
Street Address: 1460 South ~~ORANGE~~ COUNTY ROAD 427

City: LONGWOOD State: FLORIDA Zip: 32750

Contact Person: GREG SMITH Phone: 407-351-8905 FAX: 407-359-8645

Email Address: ASUNSTATETREE@EMBARCMAIL.COM

Owner/Stockholders/5% or more: RANDALL A. NELLIS

List Prior Companies & Forms of Business: _____

Person responsible for quarterly reports: GREG SMITH Phone: 407-351-8905

Email Address: ASUNSTATETREE@EMBARCMAIL.COM

Statement of Capability and Financial Responsibility

I certify that SUN STATE TREES is capable of performing the service(s) applied for and is Financially Responsible.

x [Signature]
Signature

10/3/2008
Date

OCT 13 2008

RANDALL A. NELLIS
Print Name above

Seminole County
Certificate of Public Convenience and Necessity
TYPE OF OPERATION

Does your company collect waste in unincorporated Seminole County?
If yes, please complete information below.

COLLECTION SERVICES:

Materials Collected

SOLID WASTE:

- Furniture _____
- Garbage _____
- Rubbish _____
- Sludge _____

CONSTRUCTION & DEMOLITION DEBRIS:

- Concrete, brick and fines _____
- Wood _____
- Land Clearing Debris _____
- Asphalt _____
- Drywall _____
- Roofing Shingles _____

RECYCLABLE MATERIALS:

- Newspaper _____
- Glass _____
- Aluminum Cans _____
- Plastic Bottles _____
- Steel Cans _____
- Other Plastics _____
- Ferrous Metals _____
- Non-Ferrous Metals _____
- Corrugated Cardboard _____
- Office Paper _____
- Food Waste _____
- Textiles _____
- Other (specify) _____

SPECIAL WASTE

- Yard Trash / mulch Y
- White Goods _____
- Tires _____
- Other (specify) _____

HAZARDOUS WASTE:

- Biological Waste _____
- Biohazardous Waste _____
- Other (specify) _____

Does your company operate a waste management facility in unincorporated Seminole County?
If yes, please complete information below.

FACILITY:

Address: 1460 S. CR. 427
City Longwood Zip 32751

- Equipment Parking and / or _____
- Maintenance Yard Only. _____

RECYCLING FACILITY:

- C&D Processing _____
- Materials Recovery _____
- Yard Waste/Tree Debris Y
- Disposal Facility, Specify _____

!

Materials handled at facility (list all)

<u>WOOD WASTE</u>	_____
<u>PALM TREES</u>	_____
<u>MULCH</u>	_____
<u>PALM FRONTS</u>	_____

Tons handled annually (per material, if applicable)

Item	Tons per year
<u>Mulch</u>	<u>15,288.09</u>

Where do you deliver materials for disposal and / or processing?

ESSEX WISE MULCH
DEEDY CREEK SLUDGE PROJECT
Bolton Forest Wood Products
Wheeler - Ridge Energy Power Plant

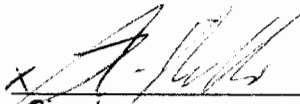
NOTE:

* Include Copies Of All Pertinent
Regulatory Agency Operation Permits.
Attach additional pages as needed.

Seminole County
Certificate of Public Convenience and Necessity
COMPLIANCE AGREEMENT

NAME OF COMPANY: SUN STATE TREES & PROPERTY MAINTENANCE INC.

I/We have received and read Chapter 235 of the Seminole County Code. I/We fully understand that I/We must abide by and incorporate the requirements and standards of service set forth in this chapter in each agreement to provide service in Seminole County. I/We understand that failure to comply with any or all of the standards or requirements set forth in Chapter 235 of the Seminole County Code will result in termination of the Certificate of Public Convenience and Necessity.

Owner:  Date: _____
Signature

Print Name RANDALL MCELIS Date: 10/9/2008

Notary _____ Date: _____
Signature

Print Name _____ Date: _____

Seminole County
Certificate of Public Convenience and Necessity
VEHICLE IDENTIFICATION LIST

Please complete this form and include payment to cover the \$20.00 per vehicle fee.

Seminole County will issue a decal for each vehicle listed below.

- The decal will be issued upon COPCN approval and is to be displayed on the driver's side of the vehicle.

Company Name: SUN STATE TREES

YEAR	MAKE	MODEL	TYPE (roll-off, etc.)	TAG NUMBER	FLEET ID NUMBER	DECAL NUMBER <i>For County Use Only</i>

Total number of vehicles: 8
 X 20.00 per vehicle 20.00
 Sum: 160

Make copies as necessary


Seminole County
Certificate of Public Convenience and Necessity
AFFIDAVIT OF CORPORATE IDENTITY / AUTHORITY

STATE OF FLORIDA
COUNTY OF SEMINOLE

COMES NOW, RANDALL A. NELLS, being first duly sworn, who deposes and says:

- (1) That he/she is the PRESIDENT / OWNER, an officer
of SUN STATE TREES & PROPERTY MAINTENANCE INC. corporation existing under
the laws of the State of FLORIDA;
- (2) That he/she is authorized to execute the Certificate Of Public Convenience And Necessity
Application on behalf of the above named corporation; and
- (3) That this Affidavit is made to induce Seminole County to issue a Certificate of Public Convenience
and Necessity for solid waste commercial collection services to the above-named corporation.

FURTHER AFFIANT SAYETH NAUGHT


_____, Affiant

The following Affidavit was signed, acknowledged and sworn to by _____

_____ before me this _____ day of _____, 20 _____

Notary Public, State of Florida

My commission expires: _____

Seminole County
Certificate of Public Convenience and Necessity
TYPE OF OPERATION

Does your company collect waste in unincorporated Seminole County?
If yes, please complete information below.

COLLECTION SERVICES:

Materials Collected

SOLID WASTE:

- Furniture _____
- Garbage _____
- Rubbish _____
- Sludge _____

CONSTRUCTION & DEMOLITION DEBRIS:

- Concrete, brick and fines _____
- Wood _____
- Land Clearing Debris _____
- Asphalt _____
- Drywall _____
- Roofing Shingles _____

RECYCLABLE MATERIALS:

- Newspaper _____
- Glass _____
- Aluminum Cans _____
- Plastic Bottles _____
- Steel Cans _____
- Other Plastics _____
- Ferrous Metals _____
- Non-Ferrous Metals _____
- Corrugated Cardboard _____
- Office Paper _____
- Food Waste _____
- Textiles _____
- Other (specify) _____

SPECIAL WASTE

- Yard Trash _____
- White Goods _____
- Tires _____
- Other (specify) _____

HAZARDOUS WASTE:

- Biological Waste _____
- Biohazardous Waste _____
- Other (specify) _____

Does your company operate a waste management facility in unincorporated Seminole County?
If yes, please complete information below.

FACILITY: SUN STATE TREES & Property MAINTENANCE INC. STE II
Address: 1460 S. CR 427
City: LONGWOOD **Zip:** 32750

- Equipment Parking and / or _____
- Maintenance Yard Only. _____

RECYCLING FACILITY:

- C&D Processing _____
- Materials Recovery _____
- Yard Waste/Tree Debris X _____
- Disposal Facility, Specify _____

!

Materials handled at facility (list all)

WOOD	_____
PALMETS	_____
PALMS	_____
MULCH	_____

Tons handled annually (per material, if applicable)

Item	Tons per year
Mulch	15,228.09
_____	_____
_____	_____

Where do you deliver materials for disposal and / or processing?

Bailly Forest Wood Products
Wheelabrator Bridge Energy Power Plant
Reddy Creek Sludge Project
Earthwise Mulch Products

NOTE:

* Include Copies Of All Pertinent
Regulatory Agency Operation Permits.
Attach additional pages as needed.

All Mulch is transported out of our facility to vendors by SUN STATE TREES.

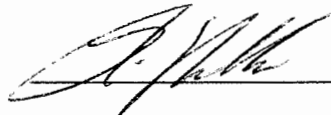
Seminole County
Certificate of Public Convenience and Necessity
AFFIDAVIT OF CORPORATE IDENTITY / AUTHORITY

STATE OF FLORIDA
COUNTY OF SEMINOLE

COMES NOW, RANDALL A. NELLIS, being first duly sworn, who deposes and says:

- (1) That he/she is the PRESIDENT / OWNER, an officer
of SUN STATE TREES & PROPERTY MAINTENANCE INC. corporation existing under
the laws of the State of FLORIDA;
- (2) That he/she is authorized to execute the Certificate Of Public Convenience And Necessity
Application on behalf of the above named corporation; and
- (3) That this Affidavit is made to induce Seminole County to issue a Certificate of Public Convenience
and Necessity for solid waste commercial collection services to the above-named corporation.

FURTHER AFFIANT SAYETH NAUGHT

, Affiant

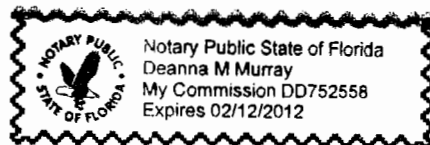
The following Affidavit was signed, acknowledged and sworn to by Randall A. Nellis

_____ before me this 14 day of October, 20 08

Deanna M. Murray
Notary Public, State of Florida

My commission expires: 02/12/2012

OCT 17 2008



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Detail by Entity Name

Florida Profit Corporation

SUN STATE TREES & PROPERTY MAINTENANCE, INC.

Filing Information

Document Number P99000045052**FEI Number** 593578530**Date Filed** 05/14/1999**State** FL**Status** ACTIVE**Effective Date** 05/15/1999

Principal Address

295 LYMANN RD
CASSELBERRY FL 32707

Changed 04/12/2004

Mailing Address

295 LYMANN RD
CASSELBERRY FL 32707

Changed 04/12/2004

Registered Agent Name & Address

NELLIS, DOROTHY J
858 WILDMERE
LONGWOOD FL 32750 US

Address Changed: 04/12/2004

Officer/Director Detail

Name & Address

Title O

NELLIS, RANDALL A
858 WILDMERE AVENUE
LONGWOOD FL 32750

Title S

http://www.sunbiz.org/scripts/cordet.exe?action=DETFIL&inq_doc_number=P99000045... 11/14/2008http://www.sunbiz.org/scripts/cordet.exe?action=DETFIL&inq_doc_number=P99000045... 11/14/2008

NELLIS, DOROTHY J
858 WILDMERE AVENUE
LONGWOOD FL 32750

Annual Reports

Report Year Filed Date

2006	04/25/2006
2007	04/25/2007
2008	04/30/2008

Document Images

04/30/2008 -- ANNUAL REPORT	View image in PDF format
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04/25/2006 -- ANNUAL REPORT	View image in PDF format
01/18/2005 -- ANNUAL REPORT	View image in PDF format
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06/13/2001 -- ANNUAL REPORT	View image in PDF format
05/14/1999 -- Domestic Profit	View image in PDF format

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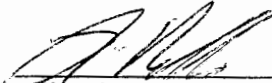
http://www.sunbiz.org/scripts/cordet.exe?action=DETFIL&inq_doc_number=P99000045... 11/14/2008

http://www.sunbiz.org/scripts/cordet.exe?action=DETFIL&inq_doc_number=P99000045... 11/14/2008

Seminole County
Certificate of Public Convenience and Necessity
COMPLIANCE AGREEMENT

NAME OF COMPANY: SUN STATE TREES & Property MAINTENANCE LLC.

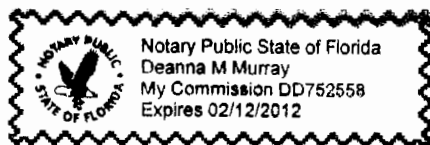
I/We have received and read Chapter 235 of the Seminole County Code. I/We fully understand that I/We must abide by and incorporate the requirements and standards of service set forth in this chapter in each agreement to provide service in Seminole County. I/We understand that failure to comply with any or all of the standards or requirements set forth in Chapter 235 of the Seminole County Code will result in termination of the Certificate of Public Convenience and Necessity.

Owner:  Date: 10/14/08
Signature

Print Name Randall Nellis Date: 10/14/08

Notary  Date: 10-14-08
Signature

Print Name Deanna M. Murray Date: 10-14-08



ENVIRONMENTAL SERVICES DEPARTMENT
SOLID WASTE MANAGEMENT DIVISION



Certificate Of Public Convenience and Necessity

LET IT BE KNOWN, the holder of this Certificate of Public Convenience and Necessity ("the Holder") has read and agreed to comply with the requirements and standards of service set forth in Seminole County Code Chapter 235, and all other local, state and federal regulations that apply to the proper collection and disposal of waste. The Holder has acknowledged that failure to comply with any or all of the standards or requirements set forth in Seminole County Code Chapter 235 will result in termination of this Certificate of Public Convenience and Necessity.

This Certificate is issued on the condition of compliance with the following:

1. The facility shall process only yard waste material generated by the holder's own tree service operations.
2. All material shall be processed and moved off site within 30 days on a first in-first-out basis.
3. No more than 300 cubic yards of material (processed plus unprocessed material) shall be stored on site at any one time.
4. The facility shall be operated in accordance with applicable Florida Department of Environmental Protection standards, including 62-709 FAC.
5. The facility shall comply with all Federal, State, and local requirements and regulations.

Company Name: Sun State Trees and Property Maintenance, Inc.

Street Address: 295 Lyman Road

City, State & Zip: Casselberry, Florida 32707

Type of Operation: Yard Waste Recycling Facility

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY Eva Roach
DEPUTY CLERK

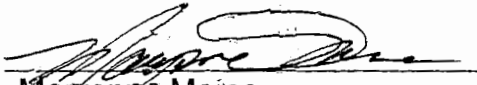
1950 STATE ROAD 419, LONGWOOD, FL 32750 -- TELEPHONE (407) 665-8200 FAX (407) 324-5731

1950 STATE ROAD 419, LONGWOOD, FL 32750 -- TELEPHONE (407) 665-8200 FAX (407) 324-5731

BY Eva Roach
DEPUTY CLERK

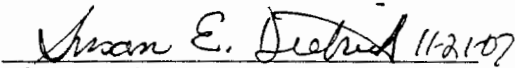
This Certificate of Public Convenience and Necessity is valid from execution through September 30, 2008, and is applicable to Yard Waste Recycling at the address indicated, only.

ATTEST:

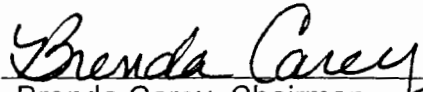

Maryanne Morise

Clerk to the Board of
County Commissioners of
Seminole County, Florida

For the use and reliance
of Seminole County only,
approved as to form and
legal sufficiency


County Attorney

Board of County Commissioners
Seminole County, Florida

By: 
Brenda Carey, Chairman

Date: 11/27/07

As authorized for execution by the
Board of County Commissioners
at their November 13, 20 07,
regular meeting.

Seminole County
Certificate of Public Convenience and Necessity
COMPANY INFORMATION

Seminole County Code, Section 235.51 requires firms that collect waste, operate a landfill, disposal facility, recycling facility, or incinerator to possess a COPCN issued by the Board of County Commissioners. The COPCN is **valid from October 1, 2007 through September 30, 2008.**

Please complete all application items enclosed and return with a check to cover the \$100.00 application fee and \$20.00 for each vehicle identified on the Vehicle Identification List form included. Make checks payable to Seminole County BCC-COPCN and mail to Carol Norwood, Solid Waste Management Division, 1950 State Road 419, Longwood, Florida 32750. Firms not meeting these requirements will no longer be authorized to work in Seminole County. If you have any questions, please contact Carol Norwood at 407-665-2257.

Date: Sept. 17, 2007

Company Name: Sun State Trees & Property Maintenance Inc.
(Ensure corporate name matches name filed with Florida Department of State, Division of Corporations)

Mailing Address: 295 Lyman Rd.

City: Casselberry State: Florida Zip: 32707

Site Street Address: 1452 S.R. 427 (Ronald Reagan Blvd.)

City: Longwood State: Florida Zip: 32750

Contact Person: Greg Smith Phone: 407-331-8905 FAX: 407-359-8645

Email Address: sunstatetree@earthlink.net

Owner/Stockholders/5% or more: _____

List Prior Companies & Forms of Business: A Sun State Trees & Property Maintenance Inc.

Person responsible for quarterly reports: <u>Greg Smith</u>	Phone: <u>407-331-8905</u>
Email Address: <u>asunstatetree@earthlink.net</u>	

Statement of Capability and Financial Responsibility

I certify that Randall A. Nellis is capable of performing the service(s) applied for and is Financially Responsible.


Signature

9-17-2007
Date

Randall A. Nellis
Print Name above

RC
KWD 9-19-07

Seminole County
Certificate of Public Convenience and Necessity
TYPE OF OPERATION

Does your company collect waste in unincorporated Seminole County?
 If yes, please complete information below.

COLLECTION SERVICES:

Materials Collected

SOLID WASTE:

- Furniture N/A
- Garbage N/A
- Rubbish N/A
- Sludge N/A

CONSTRUCTION & DEMOLITION DEBRIS:

- Concrete, brick and fines N/A
- Wood N/A
- Land Clearing Debris N/A
- Asphalt N/A
- Drywall N/A
- Roofing Shingles N/A

RECYCLABLE MATERIALS:

- Newspaper N/A
- Glass N/A
- Aluminum Cans N/A
- Plastic Bottles N/A
- Steel Cans N/A
- Other Plastics N/A
- Ferrous Metals N/A
- Non-Ferrous Metals N/A
- Corrugated Cardboard N/A
- Office Paper N/A
- Food Waste N/A
- Textiles N/A
- Other (specify) Tree products (Mulch)

SPECIAL WASTE

- Yard Trash N/A
- White Goods N/A
- Tires N/A
- Other (specify) N/A

HAZARDOUS WASTE:

- Biological Waste N/A
- Biohazardous Waste N/A
- Other (specify) N/A

Does your company operate a waste management facility in unincorporated Seminole County?
 If yes, please complete information below.

FACILITY:

Address: 1452 C.R. 427
 City Longwood FL Zip 32750

- Equipment Parking and / or N/A
- Maintenance Yard Only. N/A

RECYCLING FACILITY:

- C&D Processing N/A
- Materials Recovery N/A
- Yard Waste/Tree Debris YTS
- Disposal Facility, Specify N/A

Materials handled at facility (list all)

Tree Debris	
Yard Trash	
Mulch (wood chips)	

Tons handled annually (per material, if applicable)

Item	Tons per year
Mulch (2006)	10,753.24
Mulch (2007)	10,568.77

Where do you deliver materials for disposal and / or processing?

Florida Mulch
Wheelabrator - Ridge Energy Inc.
Earthwise Mulch

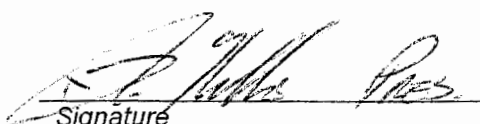
NOTE:

* Include Copies Of All Pertinent
 Regulatory Agency Operation Permits.
 Attach additional pages as needed.

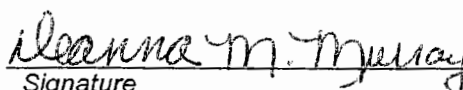
Seminole County
Certificate of Public Convenience and Necessity
COMPLIANCE AGREEMENT

NAME OF COMPANY: Sun State Trees & Property Maintenance Inc.

I/We have received and read Chapter 235 of the Seminole County Code. I/We fully understand that I/We must abide by and incorporate the requirements and standards of service set forth in this chapter in each agreement to provide service in Seminole County. I/We understand that failure to comply with any or all of the standards or requirements set forth in Chapter 235 of the Seminole County Code will result in termination of the Certificate of Public Convenience and Necessity.

Owner:  Date: 9/17/07
Signature

Print Name Randall A. Nellis Date: 9-17-2007

Notary  Date: 9-17-07
Signature

Print Name Deanna M. Murray Date: 9-17-07



Deanna M. Murray
My Commission DD290450
Expires February 12, 2008

Seminole County

Seminole County will issue a decal for each vehicle listed below.

- The decal will be issued upon COPCN approval and is to be displayed on the driver's side of the vehicle.

Company Name: Sun Shade Trees & Property Maintenance, Inc.

[illegible]

Total number of vehicles:

X 20.00 per vehicle

Sums:

Make copies as necessary

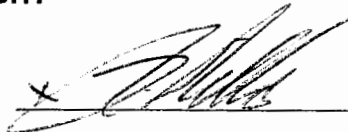
Seminole County
Certificate of Public Convenience and Necessity
AFFIDAVIT OF CORPORATE IDENTITY / AUTHORITY

STATE OF Florida
COUNTY OF Seminole

COMES NOW, Randall A. Nellis, being first duly sworn, who deposes and says:

- (1) That he/she is the Owner / President, an officer
of Sou State Trees & Property Maintenance, Inc. corporation existing under
the laws of the State of Florida;
- (2) That he/she is authorized to execute the Certificate Of Public Convenience And Necessity
Application on behalf of the above named corporation; and
- (3) That this Affidavit is made to induce Seminole County to issue a Certificate of Public Convenience
and Necessity for solid waste commercial collection services to the above-named corporation.

FURTHER AFFIANT SAYETH NAUGHT

, Affiant

The following Affidavit was signed, acknowledged and sworn to by Deanna M. Murray
(myself) before me this 17 day of September, 20 07

Deanna M. Murray
Notary Public, State of Florida

My commission expires: February 12, 2008



Deanna M. Murray
My Commission DD290450
Expires February 12, 2008

Policy Number:

Date Entered: 9/17/2007

ACORD CERTIFICATE OF LIABILITY INSURANCEDATE (MM/DD/YYYY)
9/17/2007

PRODUCER Florida Alliance Insurance Inc. 14308-D North Dale Mabry Highway Tampa Florida 33618 (813)265-4045	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
	INSURERS AFFORDING COVERAGE	NAIC #
INSURED SUN STATE TREES AND PROPERTY MAINTENANCE 295 LYMAN ROAD CASSELBERRY, FL 32707	INSURER A: NAUTILUS INSURANCE COMPANY	17370
	INSURER B:	
	INSURER C: MERCURY INSURANCE COMPANY	11202
	INSURER D: ESSEX INSURANCE COMPANY	39020
	INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMIT UNKNOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSTR. ADDRESS	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	COVERAGE LIMITS
A	<input checked="" type="checkbox"/> GENERAL LIABILITY	NC617409	11/9/2006	11/9/2007	GENERAL LIABILITY \$1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Per occurrence) \$100,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				ADDITIONAL (Only one policy) \$2,000
	<input type="checkbox"/> GENERAL AGGREGATE LIMIT APPLIES PER:				PERSONAL & ADV INJURY \$1,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROD. <input type="checkbox"/> LOC.				GENERAL AGGREGATE \$2,000,000
					PRODUCTS - COMP/OP AGG \$2,000,000
C	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY	FLC7011593-2	6/1/2007	4/14/2009	COMBINED SINGLE LIMIT (Per accident) \$1,000,000
	<input checked="" type="checkbox"/> ANY AUTO				BODILY INJURY (Per person) \$
	<input checked="" type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	<input checked="" type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS				AUTO ONLY - EA ACCIDENT \$
	<input checked="" type="checkbox"/> NON-OWNED AUTOS				OTHER THAN AUTO ONLY: EA ACC \$
					AGG \$
	<input type="checkbox"/> GARAGE LIABILITY				EACH OCCURRENCE \$
	<input type="checkbox"/> ANY AUTO				AGGREGATE \$
	<input type="checkbox"/> EXCESS/UMBRELLA LIABILITY				\$
	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				\$
	<input type="checkbox"/> DEDUCTIBLE				\$
	<input type="checkbox"/> RETENTION \$				\$
	<input type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS <input type="checkbox"/> OTHER <input type="checkbox"/>
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				EL EACH ACCIDENT \$
	If yes, describe under SPECIAL PROVISIONS below				EL DISEASE - EA EMPLOYEE \$
D	<input type="checkbox"/> OTHER	IMR70700	12/4/2006	12/4/2007	EL DISEASE - POLICY LIMIT \$
	<input type="checkbox"/> EQUIPMENT FLOATER				EQUIPMENT SCHEDULE 2,070,347.00

DESCRIPTION OF OPERATIONS, LOCATIONS, VEHICLES, EXCLUSIONS ADDED BY ENDORSEMENT, SPECIAL PROVISIONS:
 THE LIABILITY COVERAGE THE PRIMARY LOCATION AS STATED ABOVE, AND TWO SECONDARY LOCATIONS STATED HEREIN:
 LOCATION#2 150 LONGWOOD MILLS RD LONGWOOD, FLORIDA 32750
 LOCATION#3 1252 STATE ROAD 427 LONGWOOD FL 32760
 SEMINOLE COUNTY, ITS OFFICIALS, OFFICERS AND EMPLOYEES SHALL BE ADDITIONAL INSURED.
 THIS CERTIFICATE OF INSURANCE IS BEING PROVIDED IN ACCORDANCE WITH CHAPTER 325 SEMINOLE COUNTY CODE AND THE INSURANCE IS IN FULL COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 325 SEMINOLE COUNTY CODE.

CERTIFICATE HOLDER**CANCELLATION**

SEMINOLE COUNTY
 1101 EAST FIRST STREET
 SANFORD, FL 32771
 ERNEST C. HORNWOOD, 1950 SR 419, LONGWOOD, FL 32760

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED OR BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER SHALL endeavor to MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT. ANY FAILURE TO DO SO SHALL REMOVE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

ENVIRONMENTAL SERVICES DEPARTMENT



March 19, 2008

Certified Mail:

7007 0220 0000 1859 8487

Sun State Trees and Property Management, Inc
295 Lyman Road
Casselberry, Florida 32707

Enclosed please find the executed copy of your company's Certificate of Public Convenience and Necessity for the collection of special waste materials and operation of a facility in unincorporated Seminole County. This certificate expires on September 30, 2008.

We look forward to your company doing business in Seminole County. If you have any questions, please contact my office at 407-665-2251.

Sincerely,

Richard Meierert,
Acting Solid Waste Manager

Enclosures: Certified COPCN

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM****SUBJECT:** Certificate of Public Convenience and Necessity**DEPARTMENT:** Environmental Services**DIVISION:** Solid Waste Management**AUTHORIZED BY:** John Cirello**CONTACT:** David Gregory**EXT:** 2022**MOTION/RECOMMENDATION:**

Approve and authorize the Chairman to execute Certificate of Public Convenience and Necessity for Sun State Trees and Property Maintenance, Inc. to operate a yard waste recycling facility as described on the Certificate.

County-wide

David Gregory

BACKGROUND:

Chapter 235 of the Seminole County Code requires a company to obtain a Certificate of Public Convenience and Necessity from the Board of County Commissioners to operate a recycling facility in unincorporated Seminole County. Sun State was first issued a COPCN on July 27, 2004. This COPCN continues the initial terms and conditions. Annual inspections of Sun State Trees have found the site to be in compliance with the terms and conditions of the current COPCN. Sun State Tree Service and Property Maintenance, Inc. (Sun State) submitted an application to operate a yard waste recycling facility on CR 427 in unincorporated Casselberry. Sun State's application indicated that the company intends to grind yard waste from its own tree trimming operations and recycle the mulch through a commercial mulch company. Staff recommends issuance of a COPCN to Sun State under the following conditions:

- The facility shall process only yard waste material generated by the holder's own tree service operations.
- All material shall be processed and moved off site within 30 days on a first in-first-out basis.
- No more than 300 cubic yards of material (processed plus unprocessed material) shall be stored on site at any one time.
- The facility shall comply with all requirements of the Seminole County Land Development Code and all other applicable rules and regulations (per Seminole County Code Section 235.52(d)).
- The facility shall be operated in accordance with applicable Florida Department of Environmental Protection standards, including Section 62-709 Florida Administrative Code.
- The facility shall comply with all other Federal, State, and local requirements.

ATTACHMENTS:

1. COPCN

Additionally Reviewed By:☐ County Attorney Review

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
AUGUST 28, 2008

Case No. 08-128-CEB
Sun State Trees & Property Maintenance, Inc.
Principal Planner: Tony Walter

NEW CASE

Violation Charged: Seminole County Land Development Code, Chapter 40
Described as: 1) A mulching operation in violation of the approved County
site plan
Location: 1460 South CR 427, Longwood (Commission District 4)
Tax Parcel ID # 07-21-30-514-0000-027A

Tony Walter, Principal Planner, was present at the hearing and testified on behalf of the County and entered into evidence photographs of the violation. Mr. Walter stated that as of his last inspection, August 22, 2008, the property was not in compliance.

Mr. Walter stated that the recommendation would be to comply by September 12, 2008 with a fine of \$250.00 per day if the violation continues or is repeated past September 12, 2008.

A general discussion was had as to the nature of the violation and how the violation had grown from the time of the original site plan.

Bill Fahey asked Mr. Walter if two weeks was a reasonable amount of time for the Respondent to come into compliance. Mr. Walter stated that while two weeks might not be enough time to remove all of the materials located on the property, two weeks would be a reasonable amount of time to stop the operation and not bring additional materials onto the site.

Randy Nellis, Respondent, was present at the hearing and testified on his own behalf. John Wallace and Greg Smith were present and testified on behalf of the Respondent. Mr. Nellis stated when he originally drew the areas on the site plan that were to contain the mulch and wood, he had no idea that he would be held to the exact size of the area depicted.

A general discussion was had concerning the landscaping.

Mr. Nellis stated that while he understood that he had a problem and planned on cleaning the property up, he hoped that he would not be held to the original site plan.

Tom Hagood asked Mr. Nellis to estimate how much time would be needed to come into compliance. Mr. Nellis stated that it would take eight months.

Further discussion was had concerning the landscaping, the site plan and the nature of the violation.

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
AUGUST 28, 2008

Larry Lawver stated that he believed that this type of business was consistent with the surrounding neighborhood and asked Mr. Walter if the Respondent's site plan could be changed. Mr. Walter stated that while the site plan could be changed, the new site plan would need to be close to what it is now and that they would also need to meet the Land Development Code.

Mr. Lawver stated that compared with other businesses in the area, this business did not seem out of character for the neighborhood.

A general discussion was had concerning the impact of the business on the roadway.

The amount of time necessary for compliance was discussed.

Dan Mantzaris suggested that the Board let the Respondent and the County know that it would be receptive to hearing another violation case concerning the improper use of the right of way.

Motion by Larry Lawver, seconded by Jay Ammon, to accept Staff's recommendation but with a compliance date of September 10, 2009.

Mr. Hagood asked Mr. Lawver for clarification concerning Staff's recommendation to cease and desist.

Mr. Mantzaris suggested that the Board may not have the authority to order the Respondent to cease and desist.

Mr. Lawver rescinded his motion.

Mr. Hagood asked Mr. Lawver if his motion should also include the recommendation that the Respondent would need to conform to the site plan to come into compliance. Mr. Lawver agreed.

The Board, by acclamation, informed the County that if the traffic problem has not been cleared up in one month, they would be willing to hear a case on that issue.

After discussion of this case by the Board:

MOTION BY LARRY LAWVER, SECONDED BY JAY AMMON, THAT THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER BE:

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 08-128 CEB, it is determined that the Respondent is:

SEMINOLE COUNTY CODE ENFORCEMENT BOARD HEARING
AUGUST 28, 2008

- (a) the owner of record of the property (Tax Parcel ID # 07-21-30-514-0000-027A) located at 1460 South CR 427, Longwood, located in Seminole County and legally described as follows:

LEG PT OF LOTS 27 & 28 DESC AS BEG INT WLY R/W SR 427
& N LI LOT 27 RUN W 298.39 FT S 5 DEG 18 MIN 10 SEC E 316
FT SLY ON CURVE 6.45 FT E 110.92 FT N 25 DEG 53 MIN 14 SEC
E 361.08 FT TO BEG (LESS RD) A E GRIFFINS SUBD PB 2 PG 43

- (b) in possession or control of the property, and
(c) in violation of Seminole County Land Development Code, Chapter 40, Site Plan Approval, Section 40.12.

It is hereby ordered that the Respondent shall correct the violation on or before September 10, 2009. In order to correct the violation, the Respondent shall take the following remedial action:

1) CONFORM TO COUNTY APPROVED SITE PLAN

If the Respondent does not comply with the Order, a fine of **\$250.00 per day** will be imposed for each day the violation continues or is repeated after compliance past September 10, 2009.

The Respondent is further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until the Code Officer inspects the property and verifies compliance with this Order.

This Order shall be recorded in the official land records of Seminole County.

DONE AND ORDERED this 28th day of August 2008, in Seminole County, Florida.

**TOM HAGOOD – YES
GRACE CHEWNING – YES
FREDERICK GELTZ – YES**

**BILL FAHEY – YES
LARRY LAWVER – YES
JAY AMMON – YES**

MOTION CARRIED 6 – 0.

.....
Case No. 08-115-CEB
Clayton E. and Jacqueline McKnight
Code Enforcement Officer: Joann Tamulonis

ENVIRONMENTAL SERVICES
Solid Waste Management Division

Memo

TO: File
FROM: William J. Edwards, P.E., Manager *WJB*
DATE: October 10, 2008
SUBJECT: Sun State Trees

On October 2, 2008, Ivette Rivera of the Solid Waste Management Division performed an inspection of the Sun State Trees, Inc. facility located at 1460 Ronald Reagan Boulevard South, Longwood, FL 32750 (Facility). While the Field Investigation report is attached, this memorandum evaluates the compliance status of the Facility.

Based on the attached documentation, the amount of processed debris (mulch) stored on site during the inspection is estimated as 28,000 CY. The unprocessed debris pile is approximately 1,000 CY. Comparatively, the Facility's Certificate of Public Convenience and Necessity (COPCN), which expired on September 30, 2008, limited the Facility to the combined storage capacity of 300 CY. To date, Sun State Trees, Inc. has failed to submit an application to renew the required COPCN.

Field Investigation

10-02-08

Performed by Ivette S. Rivera

County vehicle #02857

Sun State Trees, Inc

1460 Ronald Reagan Blvd S.

Longwood, FL 32750

Facility's operation

I arrived at this location around 9:35 AM. While I was driving past the front of the business, I observed that a pickup truck with a trailer belonging to a landscaping company was being loaded with mulch. By the time I parked the county vehicle at the Milwee Middle School parking lot, the pickup truck with the trailer had already left. Therefore, there are no photos available.

The only personnel present at this location were two employees. I was able to see them working the heavy equipment, moving and grinding mulch. I also observed a couple of large vehicles driving into the facility. One was bringing tree debris and the other one was picking up mulch. Another customer was filling plastic bags with mulch for himself.

Due to the lack of space in the yard, the large vehicles had to back up into the facility. Today, this kind of maneuvering did not affect the traffic because there was no oncoming traffic at that time.

The personnel left the facility around 11:20 AM and the facility was unattended until 12:00 PM. At 12:10 PM I left the area.

Photos are available on the Share Drive

G:\ES\Solid Waste\CTS Customer Service\Photos

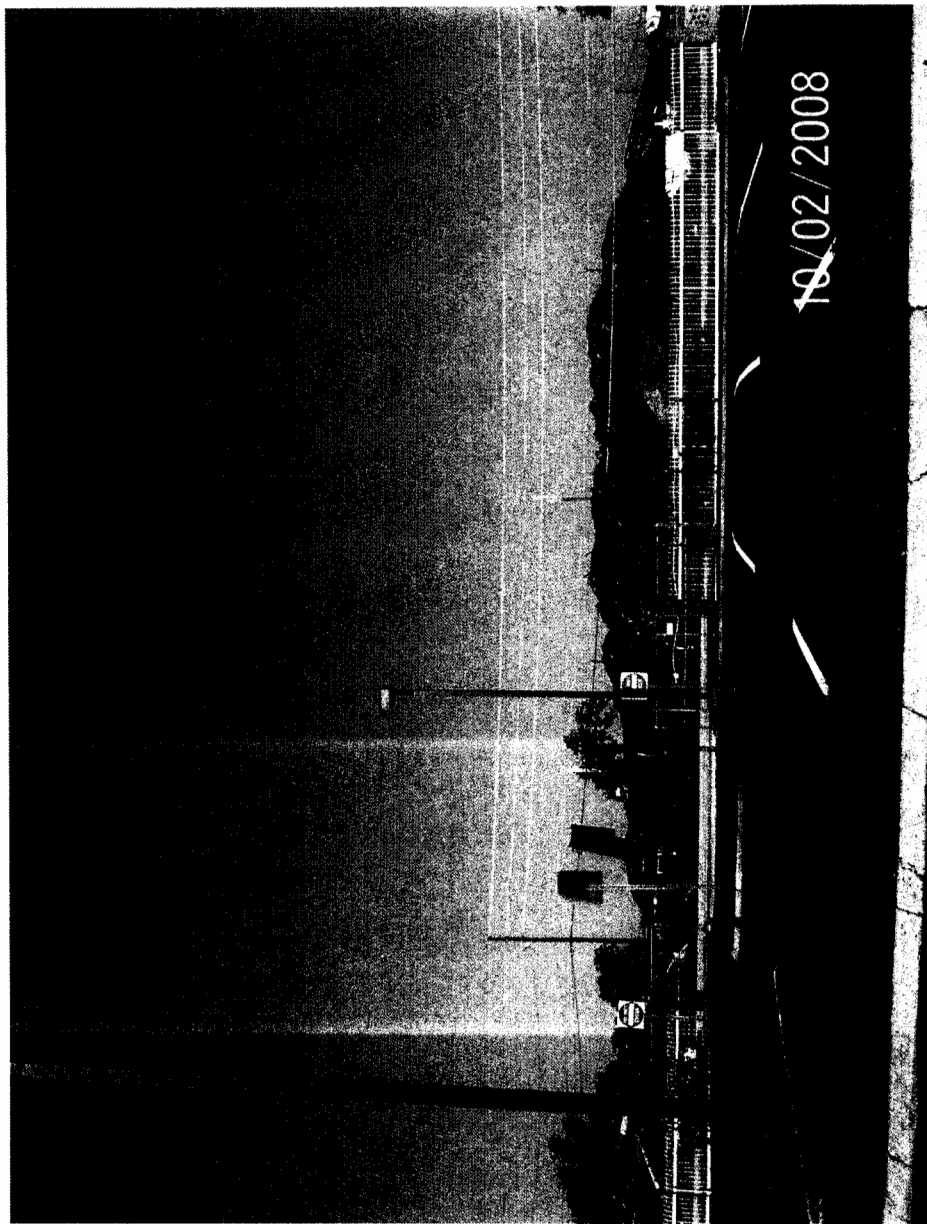


Bird's eye view maps can't be printed, so another map view has been substituted.

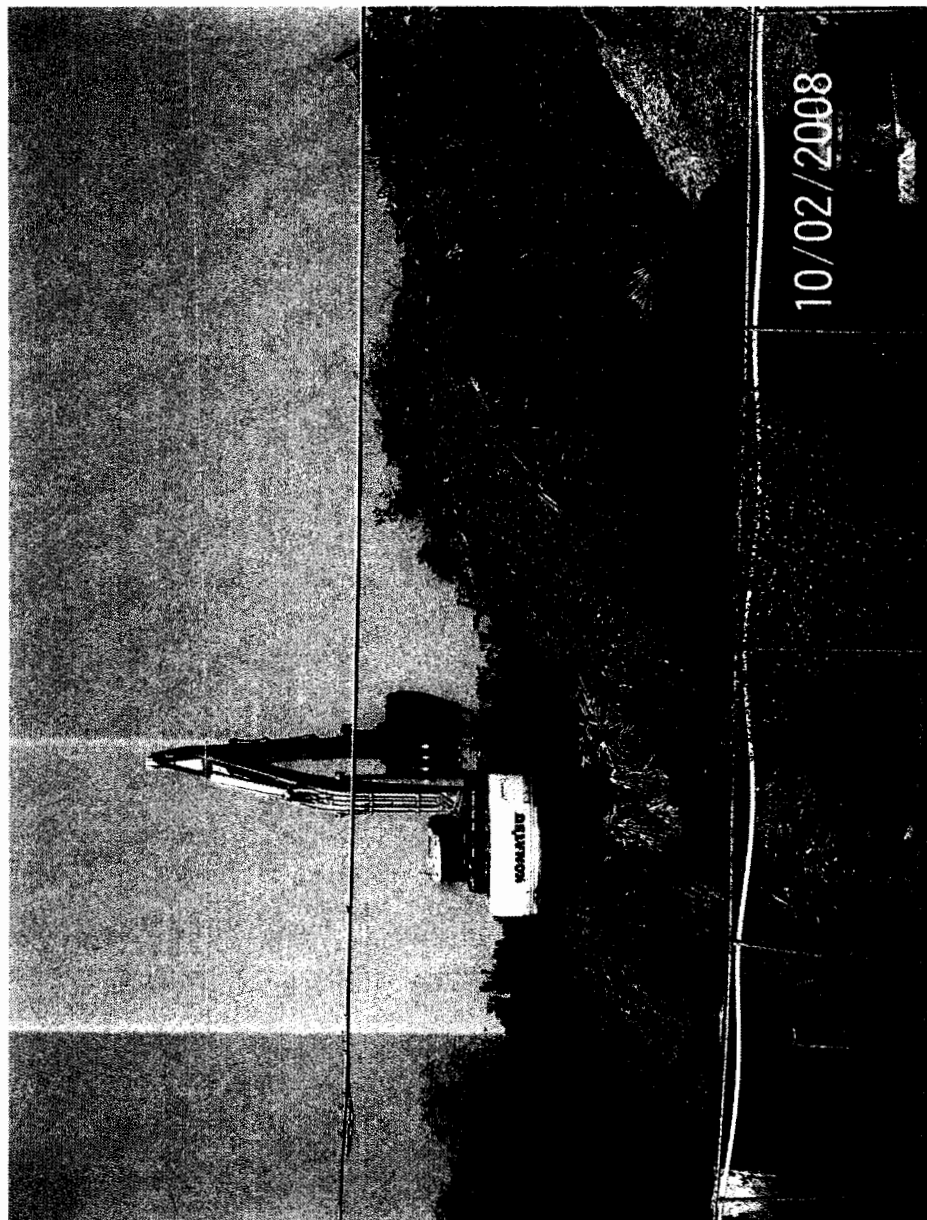
1 > Small piles of mulch - could fit 1 Dump truck ea.
 2 > Heavy Equipment

Large pile of Logs 15' Height west 35' length
 South 90' length

Mulch Pile → Mountain - about 25' Height
 North about 180' length
 West about 220' length



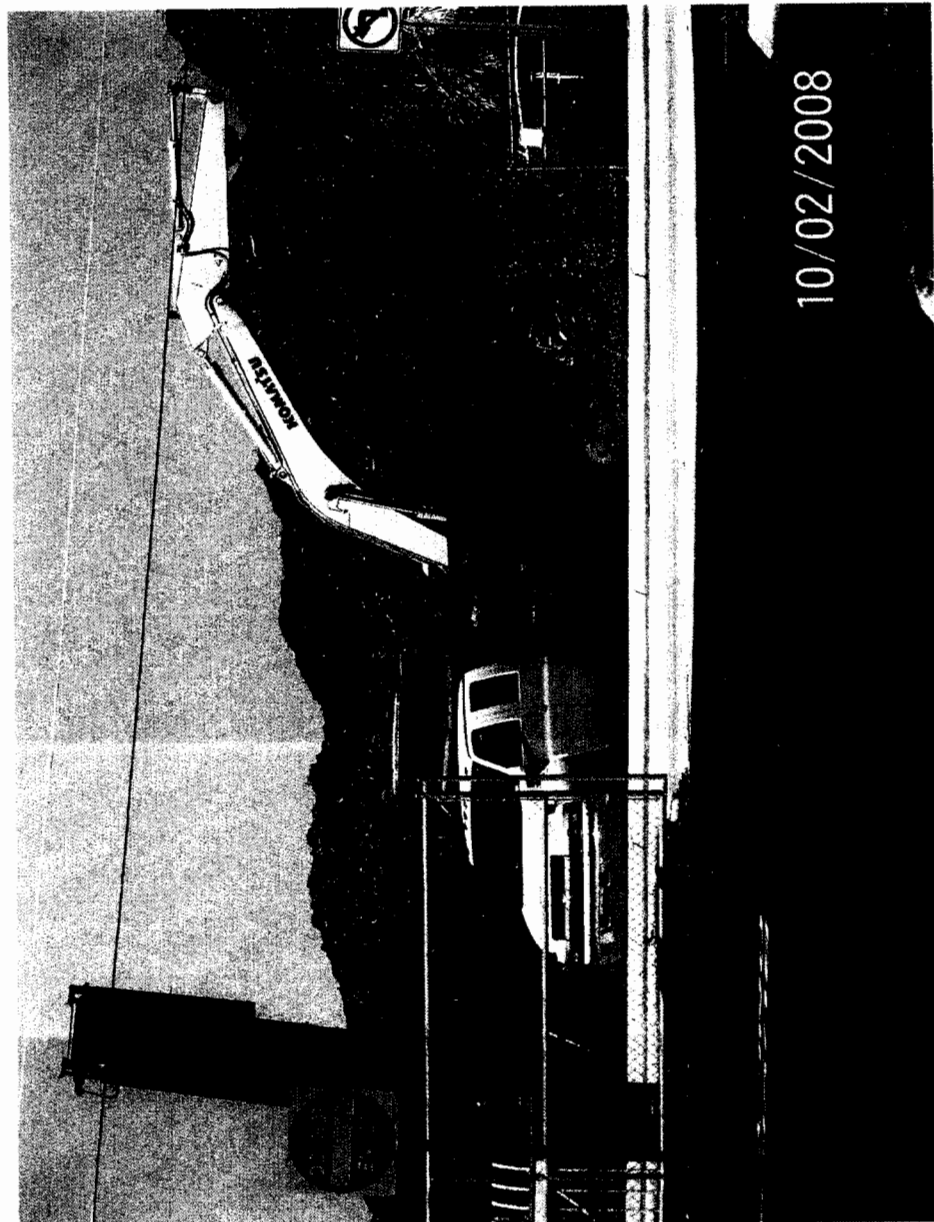


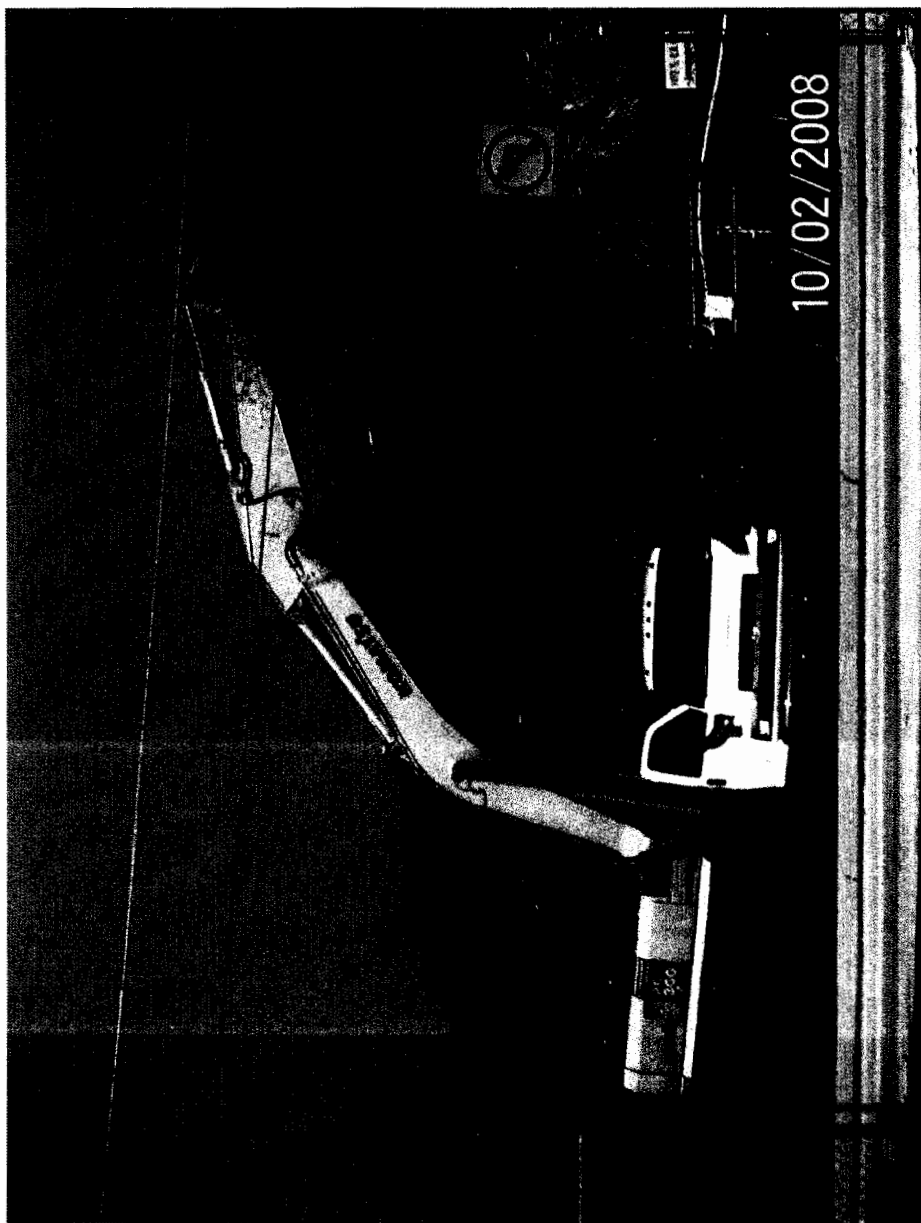


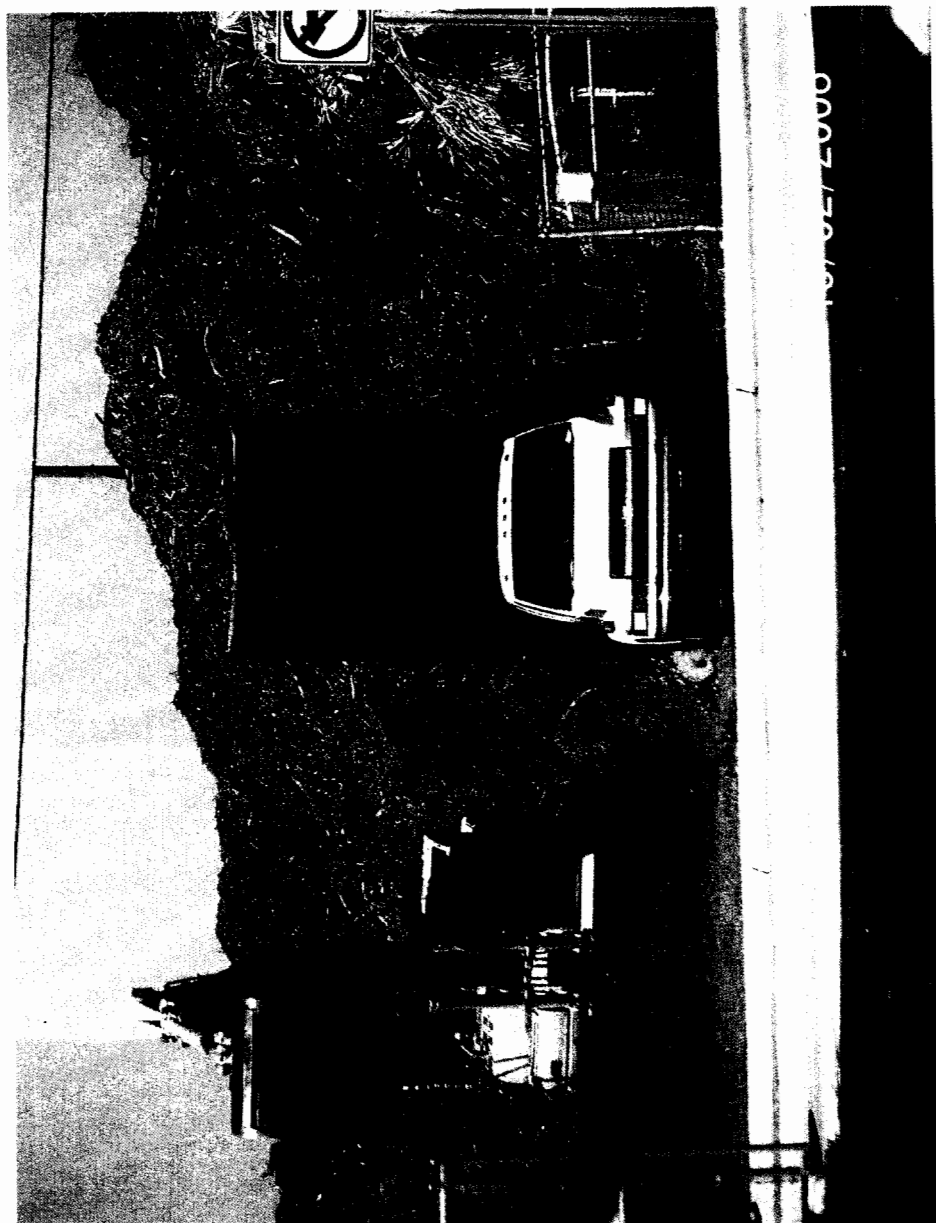
10/02/2008

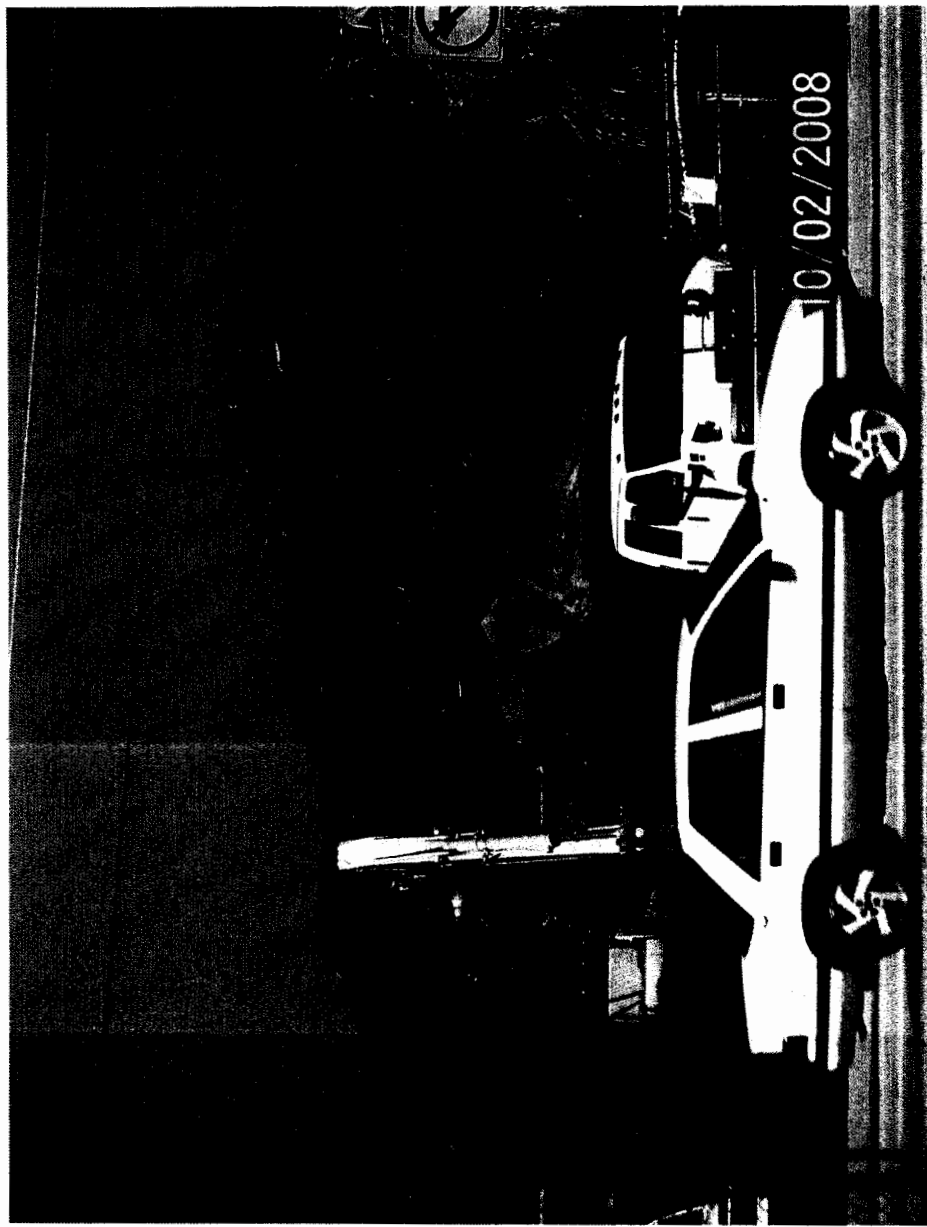


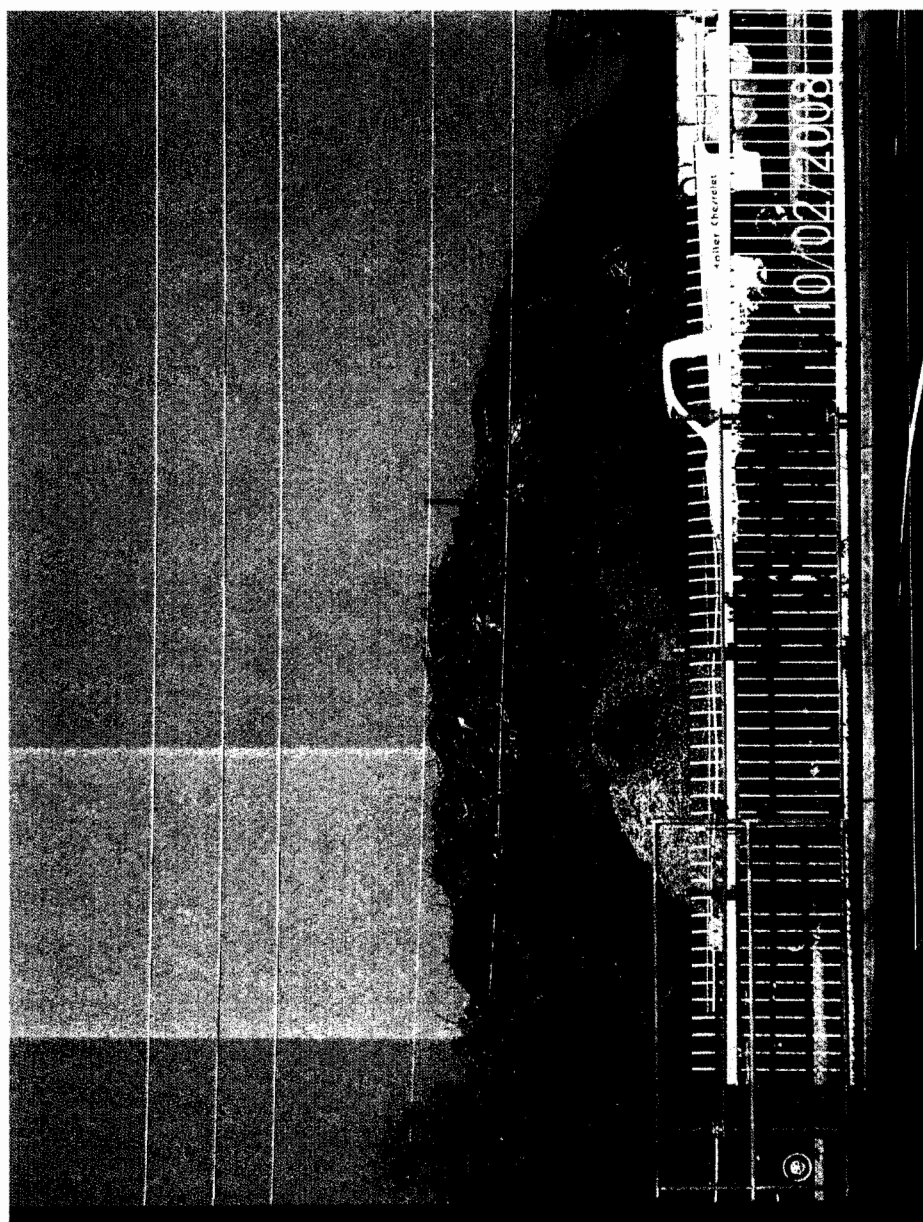


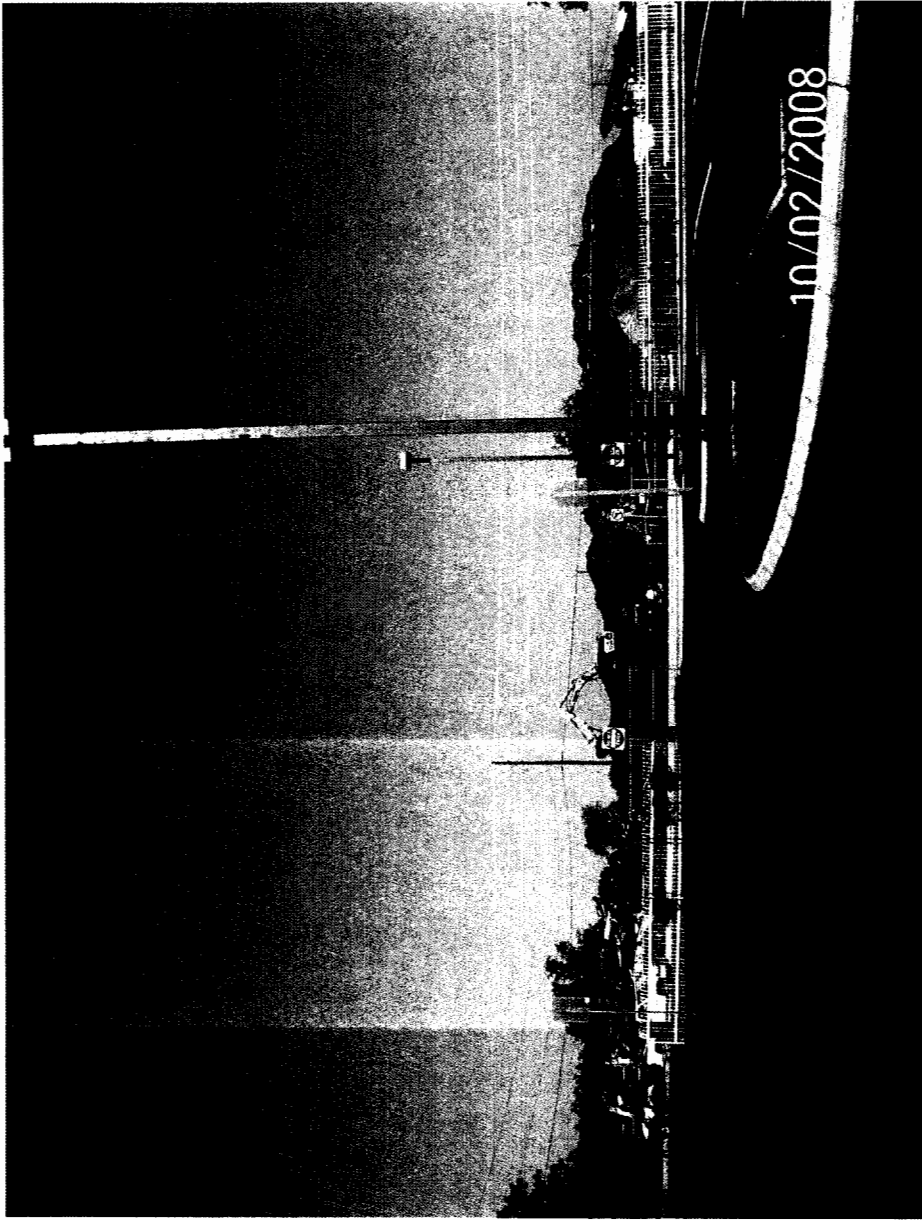














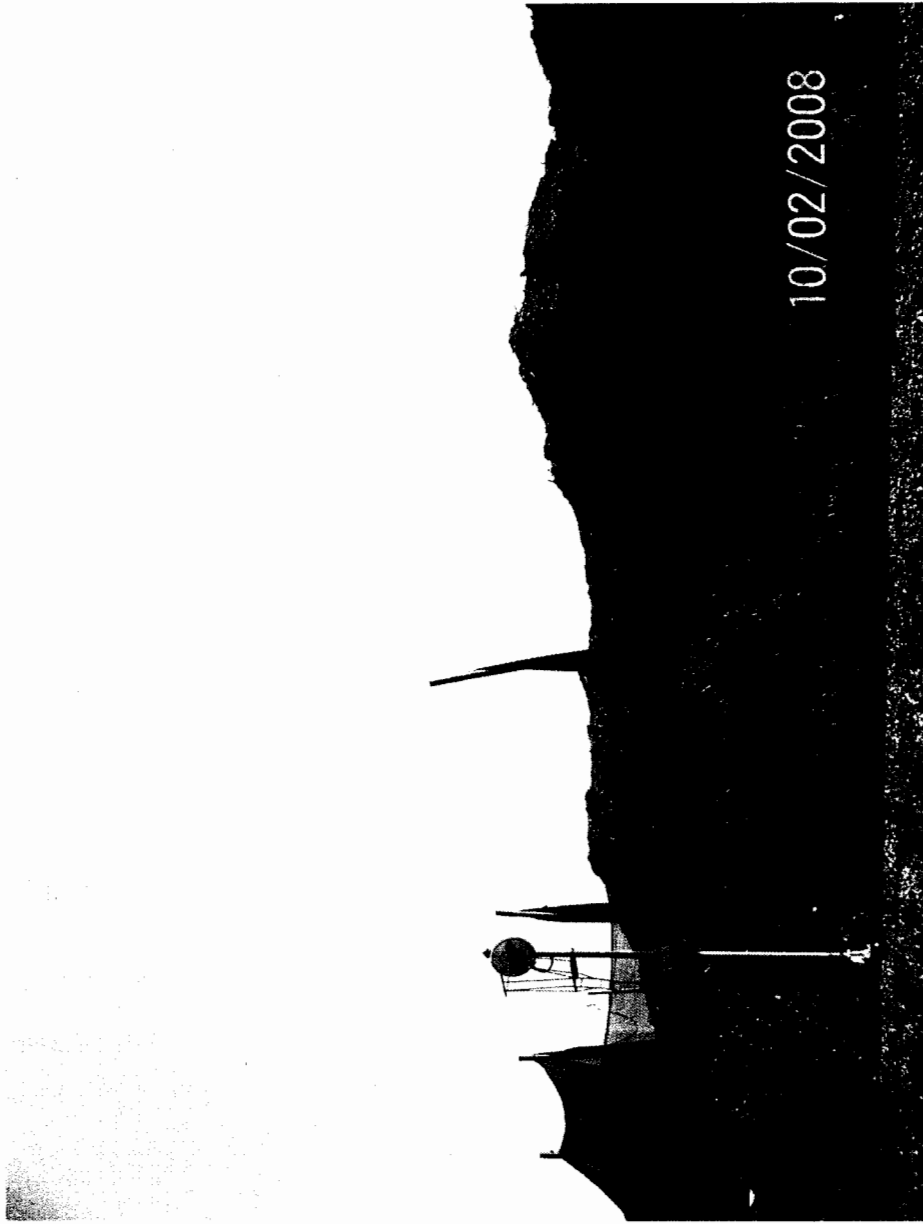


10/02/2008





10/02/2008





SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT: Certificate of Public Convenience and Necessity

DEPARTMENT: Environmental Services DIVISION: Solid Waste Management

AUTHORIZED BY: *Robert G. Adolph* CONTACT: *David Gregory* EXT. 2022
Robert G. Adolph, P.E. David Gregory

Agenda Date 07-27-04 Regular ☐ Consent ☒ Work Session ☐ Briefing ☐
Public Hearing – 1:30 ☐ Public Hearing – 7:00 ☐

MOTION/RECOMMENDATION:

Approve and authorize Chairman to execute Certificate of Public Convenience and Necessity for Sun State Trees and Property Maintenance, Inc. to operate a yard waste recycling facility as described on the Certificate.

BACKGROUND:

Chapter 235 of the Seminole County Code requires a company to obtain a Certificate of Public Convenience and Necessity from the Board of County Commissioners to operate a recycling facility in unincorporated Seminole County. The Certificate shall specifically designate the operations and waste types to be managed at the facility. The Certificate shall be issued upon a finding, as described below, that includes that there exists a public need for the services which is not currently being met.

Sun State Tree Service and Property Maintenance, Inc. (Sun State) submitted an application to operate a yard waste recycling facility on CR 427 in unincorporated Longwood. Sun State's application indicated that the company intends to grind yard waste from its own tree trimming operations and recycle the mulch through a commercial mulch company. The Solid Waste Management Division conducted an investigation of Sun State's application in accordance with Chapter 235. The results of the investigation are attached.

A Certificate of Public Convenience and Necessity is attached that includes specific conditions which will apply to Sun State's recycling operation. Additionally, Sun State will be required to comply with all requirements of the Seminole County Land Development Code and all other applicable rules and regulations (per Chapter 235.52(d)).

Reviewed by:	
Co Atty: <i>S. D. [Signature]</i>	6-1404
DFS: <u>N/A</u>	
Other: <u>N/A</u>	
DCM: <u>SS</u>	
CM: <u>[Signature]</u>	
File No. <u>CESS01</u>	

Chapter 235.52 (e) states,

Certificates of Public Convenience and Necessity shall be issued upon a finding that:

1. There exists a public need for the service that is not being met by outstanding holders of Certificates of Public Convenience and Necessity;
2. Proof of ability to serve the proposed customers of the applicant;
3. Proof of financial responsibility; and
4. Posting of required bonds or letters of credit.

Chapter 235.52 (g) states,

Upon completion of its investigation and finding that the application meets the requirements of this Chapter and all resolutions promulgated hereunder, the Board shall grant a Certificate of Public Convenience and Necessity for a period which shall expire on the last day of September following the date of issuance. If the Board determines that the applicant does not meet the criteria for the issuance of a Certificate of Public Convenience and Necessity, it shall make a report of its findings which shall be filed with its clerk. A copy of the report shall be mailed to the applicant at its last known address.

Attachments:

1. Solid Waste Management Investigation of Sun State Tree Service's COPCN application
2. Sun State Tree Services application for a COPCN, including request for additional information response
3. Certificate of Public Convenience and Necessity, with specific conditions, for execution

**Certificate Of Public Convenience and Necessity**

LET IT BE KNOWN, the holder of this Certificate of Public Convenience and Necessity ("the Holder") has read and agreed to comply with the requirements and standards of service set forth in Seminole County Code Chapter 235, and all other local, state and federal regulations that apply to the proper collection and disposal of waste. The Holder has acknowledged that failure to comply with any or all of the standards or requirements set forth in Seminole County Code Chapter 235 will result in termination of this Certificate of Public Convenience and Necessity.

This Certificate is issued on the condition of compliance with the following:

1. The facility shall process only yard waste material generated by the holder's own tree service operations.
2. All material shall be processed and moved off site within 30 days on a first in-first-out basis.
3. No more than 300 cubic yards of material (processed plus unprocessed material) shall be stored on site at any one time.
4. The facility shall be operated in accordance with applicable Florida Department of Environmental Protection standards, including 62-709 FAC.
5. The facility shall comply with all Federal, State, and local requirements and regulations.

Company Name: Sun State Trees and Property Maintenance, Inc.

Street Address: 295 Lyman Road

City, State & Zip: Casselberry, Florida 32707

Type of Operation: Yard Waste Recycling Facility

This Certificate of Public Convenience and Necessity is valid from execution through September 30, 2004, and is applicable to Yard Waste Recycling at the address indicated, only.

ATTEST:

Board of County Commissioners
Seminole County, Florida

Maryanne Morse

Clerk to the Board of
County Commissioners of
Seminole County, Florida

By:

Daryl G. McLain, Chairman

Date: _____

As authorized for execution by the Board of County
Commissioners at their _____, 20 __, _____,
regular meeting.

Memo

To: Whom It May Concern
From: David Gregory, Solid Waste Manager *DG*
Date: June 7, 2004
Re: Sun State Tree Service Certificate of Public Convenience and Necessity

Results of Investigation

- Based on waste quantity information supplied by Sun State, sufficient available capacity exists within the Seminole County solid waste management system to handle the waste type and quantity that Sun State indicates it will produce.
- Sun State is seeking authorization to operate a private facility to process material from its own operations, only. The company indicates that the yard waste it produces will be beneficially recycled as mulch.

Background

Chapter 235 Seminole County Code requires recycling facilities to obtain a Certificate of Public Convenience and Necessity (COPCN) before beginning operations in unincorporated areas of the County. Seminole County Code 235.52 (e) states,

Certificates of Public Convenience and Necessity shall be issued upon a finding that:

- (1) There exists a public need for the services which is not being met by holders of outstanding Certificates of Public Convenience and Necessity;
- (2) Proof of ability to serve the proposed Customers of the applicant;
- (3) Proof of financial responsibility; and
- (4) Posting of required bonds or letters of credit.

Sun State Trees and Property Maintenance, Inc. (Sun State) submitted an application for a COPCN for a yard waste processing facility and responded to requests for additional information from the County. Following is the results of the Solid Waste Management Division's investigation of this application, in light of the criteria stated in 235.52 (e).

(1) There exists a public need for the services which is not being met by holders of outstanding Certificates of Public Convenience and Necessity

Based on the waste delivery quantity information provided by Sun State to the Solid Waste Management Division and other County agencies, the material type and quantity generated by Sun State can be handled by the County's existing solid waste management facilities at the Central Transfer Station and the Osceola Road Landfill.

- In response to the County's request "Specify the amount of material that will be processed each month and annually on the site." Sun State responded, "The amount of

trees (wood) that will be processed quarterly or yearly will depend on the amount of tree trimming and or removal we sell each quarter. We cannot predict future business with any accuracy."

- In a letter addressed to Ginny Markley, Planning and Development from John Wallace (for Randall Nellis), not dated, Sun State indicates, "There will be roughly two 5 ton trucks bringing in wood products to this site daily. There will also be roughly two 5 ton trucks bringing in wood chips to this site daily." Based on this delivery rate, approximately 20 tons per day, or 5,200 to 6,000 tons per year would be managed at the facility.
- In its 2003 Annual Report for a Yard Waste Processing Facility to FDEP, Sun State reported that it received 4,000 tons of yard waste in calendar year 2003.
- As a point of comparison, Seminole County's Central Transfer Station managed, 47,679 tons of yard waste in FY 2003 (or 160 tons per day), and the total amount of yard waste received at the landfill for processing was 51,950 tons (or 173 tons per day). At the rates indicated above, the County system has adequate capacity to manage the waste flow indicated by Sun State. At the transfer station, mulch or yard waste of a limited size (items no longer than 6 feet, no more than 4 inches in diameter, or weight more than 50 pounds) can be accepted. At the landfill, any yard waste items can be accepted.

(2) Proof of ability to serve the proposed Customers of the applicant

Sun State proposes to process material generated by its own operations, only. Sun State has on site a Morbark 1200 tub grinder. This machine has the capability to process more than 10 tons of yard waste per hour, which exceeds the rate of delivery of yard waste proposed by Sun State. Additionally, Randy Nellis, president of Sun State, indicated that if the yard waste processing facility became full, material could be diverted to the Honey Bee Ranch a yard waste processing facility in Orange County.

(3) Proof of financial responsibility

The FDEP does not have any financial assurance requirements for Yard Waste Processing Facilities. Inquiries to surrounding counties indicated that no local county requires local financial assurance controls (Orange County, Volusia County, and Brevard County were contacted). Based on the site plan submitted to the County the amount of yard waste that will be stored on site any one time will be limited. In its COPCN application, the company indicates that it has arrangements to move processed material off site for recycling. Additionally, in its COPCN application, Sun State signed a statement that it is a financially responsible company.

(4) Posting of required bonds or letters of credit

Sun State is not establishing a disposal account with Seminole County, and no financial assurance mechanism is required by the County. Therefore, no posting of bonds or letters of credit is required.

Additional Background Information

This investigation focused only on the issues related to Chapter 235. Factors under the purview of other County agencies including zoning issues, land use issues, fire safety, development review, etc. were not considered in this investigation.

Sun State represents the following facts associated with this investigation.

- The company indicates that the mulch its operations will produce will be beneficially reused as mulch. Sun state proposes to recycle this mulch so that the yard waste it produces will not be a burden on the County's solid waste management system.
- The company represents that material will be moved on a first-in first-out basis and significant quantities of material will not be stored on site.
- Sun State is working with other County agencies to address County codes, zoning, etc. for a site on CR 427 in unincorporated Longwood.

If a COPCN is issued to Sun State to operate a Yard Waste processing Facility the following conditions should apply.

- The facility shall be limited to processing only yard waste material generated by Sun State's own tree service operations. No other recyclable or waste material will be accepted on the site.
- Material shall be processed and moved off site within 30 days.
- No more than 300 cubic yards of material (processed plus unprocessed material) shall be stored on site at any one time.
- The facility shall be operated in accordance with applicable Florida Department of Environmental Protection standards, including 62-709 FAC.
- The facility shall comply with all other Federal, State, and local requirements.

Any questions on this investigation should be directed to David Gregory at 407-665-2022.

Edwards, William (Johnny)

From: Waters, Tom
Sent: Monday, November 03, 2008 2:40 PM
To: Edwards, William (Johnny)
Cc: Russell, Kimberly; Norwood, Carol
Subject: FW: A Sun State Tree

Johnny,
Please pass this along to anyone else in the county that needs to be aware of it. I have extremely limited access to my county Outlook data. Jeff Prather is with DEP Central District.
Thanks,
Tom

From: Prather, Jeff [mailto:Jeff.Prather@dep.state.fl.us]
Sent: Mon 11/3/2008 2:15 PM
To: Waters, Tom
Subject: A Sun State Tree

TW,

Last Monday, I spoke with Steve Grimwood re A Sun State Trees. As you probably know, we have a Notice of Violation currently under review by our legal staff. The NOV addresses solid and hazardous waste violations. Interestingly enough, it appears *A Sun State Trees* probably needs an NPDES permit as well. I have forwarded the facility's info up to our NPDES program to handle. I'll keep you updated.

Jeff

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On June 28, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG PT OF LOTS 27 & 28 DESC AS BEG INT WLY RW SR 427 & N LI LOT 27 RUN W 298.39 FT S 5 DEG 18 MIN 10 SEC E 316 FT SLY ON CURVE 6.45 FT E 110.92 FT N 25 DEG 53 MIN 14 SEC E 361.08 FT TO BEG (LESS RD) A E GRIFFINS SUBD PB 2 PG 43

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owners: FERTAKIS INTERNATIONAL
P.O. BOX 950637
LAKE MARY, FL 32795

Project Name: COUNTY ROAD 427 (SUN STATE TREES)

Requested Development Approval:

REQUEST FOR SPECIAL EXCEPTION FOR A MULCHING OPERATION IN
THE M-1 (INDUSTRIAL DISTRICT).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Matthew West AICP
1101 East First Street
Sanford, Florida 32771

Order**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

1. ALL MATERIAL FROM THE MULCHING OPERATION SHALL BE PROCESSED, STORED AND REMOVED FROM THE PREMISES IN ACCORDANCE TO APPLICABLE STATE REGULATIONS;
2. ALL MATERIAL PRODUCED FROM THE MULCHING OPERATION SHALL BE TRANSPORTED TO OFF-SITE RETAIL/WHOLESALE OUTLETS OR LANDSCAPING SITES; NO RETAIL SALE OF MULCH SHALL BE PERMITTED ON-SITE;
3. ALL MATERIAL TO BE MULCHED SHALL BE GENERATED BY SUN STATE TREES; NO MATERIAL GENERATED BY OTHERS SHALL BE ACCEPTED FOR MULCHING;
- ④ A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY MUST BE OBTAINED FROM THE COUNTY PRIOR TO COMMENCEMENT OF MULCHING OPERATIONS;
- ⑤ MULCH AND WOOD STORED ON-SITE SHALL NOT EXCEED A HEIGHT OF EIGHTEEN (18) FEET OR BE ALLOWED OUTSIDE OF THE DELINEATED STORAGE AREA, AS DEPICTED ON THE PROPOSED SITE PLAN;
6. LANDSCAPING, SETBACKS AND BUFFERS SHALL CONFORM TO LAND DEVELOPMENT CODE REQUIREMENTS;
7. HOURS OF OPERATION FOR THE MULCHER SHALL BE LIMITED TO BETWEEN THE HOURS OF 10:00 AM AND 8:00 PM ON MONDAY THROUGH FRIDAY; AND NO MULCHING SHALL BE CONDUCTED ON SUNDAY OR SATURDAY. MULCHING OPERATIONS WILL CEASE AT ANY TIME AT THE REQUEST OF THE MIDDLE SCHOOL REPRESENTATIVES. THE APPLICANT SHALL PROVIDE A VIABLE WORKING PHONE NUMBER WITH WHICH REPRESENTATIVES OF THE MIDDLE SCHOOL MAY REQUEST THAT MULCHING OPERATIONS CEASE OR ANY OTHER COMPLAINT REGARDING THE OPERATION OF THE MULCHER MAY BE RELAYED QUICKLY TO THE OWNER OF THE MULCHING OPERATION ;
8. THE MULCHER SHALL BE LOCATED ALONG THE WESTERN BOUNDARY OF THE SITE AS IDENTIFIED BY THE SUBMITTED SITE PLAN;
9. ONLY ONE (1) MORBARK 1100 or 1200 XL MULCHER OR EQUIVALENT SHALL BE PLACED AND/OR OPERATED ON-SITE AT A TIME;
10. THE MULCH STOCKPILE SHALL BE LOCATED BETWEEN THE MULCHER AND C.R. 427 TO REDUCE NOISE AND VISUAL IMPACT AND THE SOUND BARRIER WALL AS IT EXISTS TODAY (DEPICTED ON THE SITE PLAN) SHALL BE MAINTAINED BETWEEN THE MULCHER AND RONALD REAGAN BOULEVARD. THE MINIMUM HEIGHT SHALL BE 10 FEET, IT SHALL BE MADE OF CONCRETE AND IT SHALL BE

PAINTED A MUTED COLOR SUCH AS SAND ON THE SIDE FACING RONALD REAGAN BOULEVARD;

11. THE MULCHER SHALL BE EQUIPPED WITH A 50 DECIBEL MUFFLER OR QUIETER;
12. THE EXISTING PERIMETER CHAIN LINK FENCE SHALL BE REPAIRED OR REPLACED ALONG THE SOUTH, WEST AND NORTH PROPERTY BOUNDARIES AS NEEDED TO SECURE THE SITE;
13. A NET/CONTAINMENT FENCE OF A SUFFICIENT HEIGHT AND LENGTH SHALL BE ERECTED TO CONTAIN ON-SITE FLYING DEBRIS;
14. SPRAYERS OR SPRINKLERS SHALL BE INSTALLED AND OPERATED AS NEEDED TO CONTAIN DUST GENERATED BY THE MULCHER WITHIN THE SITE;
15. LIQUID CONTAINMENT BARRIERS MUST BE ESTABLISHED WHERE GASOLINE FOR ON-SITE USE IS STORED;
16. A MINIMUM OF 25 PERCENT OPEN SPACE SHALL BE REQUIRED ON THE SITE;
17. THE PROPOSED USE SHALL OTHERWISE BE IN CONFORMITY WITH THE SEMINOLE COUNTY COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE AND SHALL UNDERGO SITE PLAN REVIEW; AND
18. A SOIL TEST FOR POLLUTANTS AND CONTAMINANTS SHALL BE CONDUCTED PRIOR TO COMMENCEMENT OF OPERATIONS AND REPEATED IN TWELVE (12) MONTHS AND THE INFORMATION FURNISHED TO THE CITY OF LONGWOOD AND TO SEMINOLE COUNTY.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

OWNER'S CONSENT AND COVENANT

COMES NOW, THE Owner, Fertakis International Construction company, on behalf of itself and its heirs, successors, assigns and transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set for in this development order.

By: *Norma C. Fertakis*
Norma C. Fertakis
for Fertakis International Construction Company

WITNESSES:

Jennifer Angle
Print Name: Jennifer Angle

John P. Wallace
Print Name: John P. Wallace

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Norma C. Fertakis who is personally known to me or who has produced Fl. Drivers License as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this 12 day of July, 2004.

Deanna M. Murray
Notary Public, in and for the County and State
Aforementioned

My Commission Expires:



Deanna M. Murray
My Commission DD290450
Expires February 12, 2008

Done and Ordered on the date first written above.

By: Tony Walter for Matthew West
Matthew West
Planning Manager

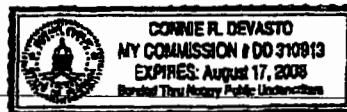
STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Tony Walter who is personally known to me or who has produced as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this 6th day of July, 2004.

Connie R. Devasto
Notary Public, in and for the County and State
Aforementioned

My Commission Expires:



PLANNING AND DEVELOPMENT DEPARTMENT

CODE ENFORCEMENT



September 8, 2008

SUN STATE TREES & PROPERTY
858 WILDMERE AVENUE
LONGWOOD, FL 32750

DOROTHY J. NELLIS, REGISTERED AGENT
858 WILDMERE AVENUE
LONGWOOD, FL 32750

CASE NO – 08-128-CEB
PARCEL I.D. NO – 07-21-30-514-0000-027A

Please be advised, the Code Enforcement Board entered its Findings of Fact, Conclusions of Law and Order in your case giving you until **September 10, 2009** to correct your violation. If you do not correct your violation by this date, a fine in the amount of **\$250.00 per day** will begin to accrue and will continue to accrue until compliance has been obtained.

I am enclosing a certified copy of this Order for your records.

Please call Tony Walter at 407-665-7349 as soon as you have corrected the violation so that compliance can be verified.

CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA

Jane Spencer
Clerk to the Code Enforcement Board

Enclosure: Findings of Fact, Conclusions of Law and Order

cc: Tony Walter

2008 SEP 16 PM 3:40
COUNTY ATTORNEY'S OFFICE

**CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA**

SEMINOLE COUNTY, a political
subdivision of the State of Florida,

CASE NO. 08-128-CEB

Petitioner,
vs.



SUN STATE TREES & PROPERTY MAINTENANCE, INC.
PARCEL I.D. NO – 07-21-30-514-0000-027A

Respondent.
_____ /

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 08-128 CEB, it is determined that the Respondent is:

- (a) the owner of record of the property (Tax Parcel ID # 07-21-30-514-0000-027A) located at 1460 South CR 427, Longwood, located in Seminole County and legally described as follows:

LEG PT OF LOTS 27 & 28 DESC AS BEG INT WLY RW SR 427
& N LI LOT 27 RUN W 298.39 FT S 5 DEG 18 MIN 10 SEC E 316
FT SLY ON CURVE 6.45 FT E 110.92 FT N 25 DEG 53 MIN 14 SEC
E 361.08 FT TO BEG (LESS RD) A E GRIFFINS SUBD PB 2 PG 43

- (b) in possession or control of the property, and
(c) in violation of Seminole County Land Development Code, Chapter 40, Site Plan Approval, Section 40.12.

It is hereby ordered that the Respondent shall correct the violation on or before September 10, 2009. In order to correct the violation, the Respondent shall take the following remedial action:

1) CONFORM TO COUNTY APPROVED SITE PLAN

If the Respondent does not comply with the Order, a fine of **\$250.00 per day** will be imposed for each day the violation continues or is repeated after compliance past September 10, 2009.

The Respondent is further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until the Code Officer inspects the property and verifies compliance with this Order.

SUN STATE TREES & PROPERTY MAINTENANCE, INC.

This Order shall be recorded in the official land records of Seminole County.


DONE AND ORDERED this 28th day of August 2008, in Seminole County, Florida.

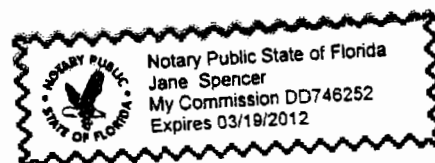
CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA


TOM HAGOOD, CHAIR

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this 28th day of August 2008, by Tom Hagood, who is personally known to me.


Jane Spencer
Notary Public to and for the
County and State aforementioned.
My Commission Expires



62-709.320 Yard Trash Processing Facilities.

(1) Applicability.

(a) Owners or operators of yard trash processing facilities that meet the criteria of this rule shall register with the Department in accordance with subsection 62-709.320(5), F.A.C., in lieu of obtaining a permit under subsection 62-709.300(2), F.A.C. However, if these criteria are not met then a solid waste management facility permit is required:

1. In accordance with Chapter 62-701, F.A.C., for disposal operations or transfer stations; or

2. In accordance with Chapter 62-709, F.A.C., for recycling operations. In this case, the provisions for composting facilities in this chapter shall apply to the recycling operations, including permitting, design and operating criteria, testing, recording and reporting.

(b) Owners or operators of yard trash processing facilities that meet the criteria of this rule are not subject to the requirements of Rules 62-709.500, 62-709.510 and 62-709.530, F.A.C. However, they are subject to the requirements in Rules 62-709.300, 62-709.550, and 62-709.600, F.A.C.

(c) Owners or operators of existing yard trash processing facilities shall register in accordance with subsection (5) of this rule by April 22, 2001, and comply with the remaining provisions of this rule by October 22, 2001. However, if a yard trash processing facility is already authorized under another Department solid waste management facility permit, then facility registration under this rule is not required as long as that permit remains valid.

(2) Definitions. The following terms as used in this rule, unless the context indicates otherwise, shall have the following meaning:

(a) "Clean wood" means wood, including lumber, tree and shrub trunks, branches, and limbs, which is free of paint, glue, filler, pentachlorophenol, creosote, tar, asphalt, other wood preservatives or treatments.

(b) "Yard trash" has the meaning given in Rule 62-701.200, F.A.C., and solely for purposes of this rule, it includes clean wood.

(c) "Yard trash processing facility" means a yard trash transfer station or a yard trash recycling facility, but does not include a facility used for the disposal of yard trash.

(d) "Yard trash recycling facility" means a facility at which yard trash is mulched, composted, or otherwise processed into useable materials, but does not include a facility used for the disposal of yard trash.

(e) "Yard trash transfer station" means a facility at which yard trash is stored or held for transport to a processing or disposal facility or for use at another site. It does not include green boxes, compactor units, permanent dumpsters, or other containers from which such wastes are transported to a landfill or other solid waste management facility.

(3) Prohibitions. Owners or operators of yard trash processing facilities shall comply with the prohibitions specified in paragraphs 62-701.300(1), (2)(a), (d), (e), (f), (h), and (3), F.A.C. In addition, the following apply to yard trash processing facilities, although it is the intent of the Department to repeal these paragraphs if and when Rule 62-701.300, F.A.C., is amended to address yard trash processing facilities.

(a) No yard trash or processed yard trash shall be placed within 100 feet of any existing or approved off-site potable water well unless this activity takes place at a facility for which a complete registration was filed or which was originally registered before the potable water well was in existence. This prohibition shall apply to lateral expansion of the registered facility.

(b) No yard trash or processed yard trash shall be placed within 200 feet of any existing or approved potable water well serving a community water system as defined in subsection 62-550.200(9), F.A.C., unless this activity takes place at a facility for which a complete registration was filed or which was originally registered before the potable water well was in existence. This prohibition shall apply to lateral expansion of the registered facility.

(c) No yard trash or processed yard trash shall be placed within 50 feet of any natural or artificial body of water. For purposes of this paragraph, a "body of water" includes wetlands within the jurisdiction of the Department, but does not include impoundments or conveyances that are part of a permitted stormwater management system, or water bodies contained completely within the property boundaries of the facility that do not discharge from the site to surface waters.

(4) Design and operating requirements.

(a) The facility shall have the operational features and equipment necessary to maintain a clean and orderly operation, including:

1. An effective barrier to prevent unauthorized entry and dumping into the facility site;

2. Dust control methods; and

3. Fire protection and control provisions to deal with accidental burning of solid waste, including:

a. There shall be an all-weather access road, at least 20 feet wide, all around the perimeter of the site;